



## BIROn - Birkbeck Institutional Research Online

Arthur, Carson Cole (2022) Make believe: police accountability, lying, and anti-blackness in the inquest of Sean Rigg. *Crime, Media, Culture* , ISSN 1741-6590.

Downloaded from: <https://eprints.bbk.ac.uk/id/eprint/49546/>

*Usage Guidelines:*

Please refer to usage guidelines at <https://eprints.bbk.ac.uk/policies.html>  
contact [lib-eprints@bbk.ac.uk](mailto:lib-eprints@bbk.ac.uk).

or alternatively

## **Make believe: police accountability, lying, and anti-blackness in the inquest of Sean Rigg**

Accepted for publication

Arthur, Carson Cole. 2022 (forthcoming). Make believe: police accountability, lying, and anti-blackness in the inquest of Sean Rigg. *Crime, Media, Culture*

Carson Cole Arthur  
Birkbeck, University of London, UK  
ORCID ID [0000-0002-8843-1002](https://orcid.org/0000-0002-8843-1002)

### **Abstract:**

In 2008, Sean Rigg, a 40-year-old Black British man died in England and Wales police custody. It was not until 4 years later at the inquest that it transpired one of the police officers involved, the custody sergeant, PS Paul White gave false information. White had claimed he saw Rigg in the van upon his arrival however CCTV footage demonstrated this did not happen. Following a deconstructive approach this paper examined the inquest transcripts to explore how belief and the possibility of being mistaken was integral to the account White provided. It is the ambiguity of truth/fiction that is significant in legal investigations for it comes to produce the justifications for the deaths of Black people in England and Wales.

### **Keywords:**

Accountability, Coroner's Court, inquests, deaths in police custody, racial violence

### **Funding:**

The author disclosed receipt of the following financial support for the research, authorship, and/or publication of this article: This work was supported by the Economic and Social Research Council [grant number ES/P000592/1]

### **Acknowledgements:**

The author would like to thank the London Inner South Coroner's Court for access to the transcript, Marcia Rigg for her support, and the journal's reviewers for their insightful comments.

## **Introduction**

When a police officer is summoned to provide an account in the inquest of a death in custody, do they simply affirm or deny facts, or is there more to their performance as a witness? In the UK, under common law, a death in police custody is investigated by a Coroner to determine the cause and circumstances. Instead of a criminal trial that adjudicates culpability and liability, an inquest is designed to find facts. In order for their use of force to be considered lawful, and any other actions and decisions within their duties and responsibilities as meeting ‘good practice’, a police officer must account, explain, and justify their conduct during the event of a death. This principle of accountability has been conceptualised and studied as a relational construction (Baker, 2016a). Departing from critical criminologists who focus on the discourse of inquests (e.g. ‘official discourse’ or ‘state talk’), this paper, taking more of a socio-legal and deconstruction approach, focuses on the performative, in particular the account-giving of the police. Account-giving is a process and a mode of subjectivity in which the police produce representations - narratives, facts, and references. Furthermore, similar to testimony, account-giving is conditional on the possibility of fiction, lies, and mistakenness. This paper considers the inquest of Sean Rigg, a 40-year-old Black man killed in 2008, as a case-study to examine how a police officer’s claim that he was carrying out his duty on the night of Rigg’s death was based upon the indeterminacy of truth and fiction. The aim of this paper is not to establish the truth in regards to Rigg’s death but to analyse how belief is made for a truth, particularly when articulated by the police in the legal investigation of the death of a Black person. My intention is to show that the racial violence of the death of a Black person is not confined to the event of their killing but a productive force within the inquest process. Moreover, within the inquest process, racial violence is not limited to the discursive (e.g., racist epithets or racial prejudice) but inextricable from material and performative processes, in particular account-giving.

## **Deaths in UK police custody: Coroner’s Courts and inquests**

English and Welsh police<sup>1</sup> engage with and encounter various people in different settings, not always limited to an arrest or within a police station. The definition of police custody according to the Independent Office for Police Conduct (IOPC) places the custodianship on the presence of the officer. Thus, police custody can include a wide range of societal settings, not bound to the police estate, such as public spaces, private homes, commercial areas, and hospitals. Yearly, there are situations in which people die during a police encounter, from restraint or a pursuit, or die following police contact, such as dying after a short amount of time upon release from a police station or following a ‘welfare check’ (IOPC, 2018). Based on statistics from IOPC (2021), for 2020/21 there were 19 ‘deaths in or following police custody’ - not including deaths from road traffic incidents (20), a fatal shooting (1), apparent suicides following custody (54), and ‘other deaths following police contact’ (91). The annual number of people who have died in police custody has roughly remained the same in the past 10 years. As the Angiolini Review (2017) noted, following previous evidence, a disproportionate number of deaths are people who had mental health issues, alcohol and/or drug dependency, and who are Black or people of colour.

When there is a death in police custody sequential investigations are launched and conducted. The IOPC are informed and first carry out an investigation, followed by an inquest upon the completion of the IOPC investigation. An inquest is held in a Coroner’s Court, by a Coroner, usually with a jury for deaths in state custody (Thomas et al. 2014). The purpose of an inquest is to ascertain the cause and circumstances of a death (Coroners and Justice Act 2009). It is not the jurisdiction of the Coroner’s Court to adjudicate liability and/or culpability.<sup>2</sup> Its role is to assess whether there were any failings in regard to someone’s care and to seek towards preventing such deaths reoccurring by making recommendations based on findings from the investigation. Thus, the inquest is often regarded as a ‘fact-finding mission’.

---

<sup>1</sup> In the UK, there is a separate police force for England and Wales, Scotland, and Northern Ireland. Devolved powers in Scotland and Northern Ireland mean that each nation follows a different coronial jurisdiction and inquest system.

<sup>2</sup> See Scott Bray (2010) on the legal boundaries of the coronial and criminal courts, and the dis/articulation (attachment and detachment) of its jurisdictions in Australian, with attention to deaths of Indigenous people in police custody.

Such a framework, developed through human rights legislation and discourse (Baker 2016b; Skinner 2019), fits within an empirical paradigm and presupposes the status of facts as objective, exterior, and thus discoverable. Facts aid a logic of causality (Ferreira da Silva, 2017), that when applied to the narrativisation of a death in police custody, explains a death based on social factors - socio-economic; cultural-racial; physical and mental health – which in turn come to stand as ‘coronial facts’ (Carpenter et al., 2021; Hay, 2018; Razack, 2015; Scott Bray, 2010). A death then is represented as an outcome or result following a combination of different social factors. According to this narrative, a death in state custody happens less because of a personal and singular intentional act or a political policy but an interaction of various organisational structures, societal risks, and individual vulnerabilities (Loader, 2020).

In this light, facts are not purely and absolutely outside the epistemological framework of the inquisitorial legal investigation (Foucault, 2019; McIntosh, 2016). The Coroner’s Court produces knowledge of a social death - a death that belongs in the social and for society to respond to (Fenwick, 1984). It is in this sense that the court produces facts, as discoverable items of information and parts of a truth that is to be found (Scott Bray, 2010). From the proceedings of the inquest, an intersubjectivity is constituted, with the positioning of the arbiter and witness,<sup>3</sup> in the pursuit of the truth, under the percept of justice. Through technologies and documentation, the inquest comes to be the forum and archive for the formation of legal justification and formalisation of (a death as) an event (Motha, 2018; Trabsky, 2019; Shaw 2021).

In the inquest of a death in police custody, accountability is the epistemological programme (knowledge production) in which the fact-finding mission is conducted. More specifically, it is account-giving that is the performative mode in which a police officer narrates their experience. This performance of account-giving puts into language (speech/writing) legible facts, calculative decision making, and cognitive reasoning (Authers, 2010; Boland and Schultze, 1996). Account-giving is similar to testimony in the ways that it provides evidence. Moreover, account-giving is similar to testimony in that there are limits to its representations. This paradox, also referred to as the impossibility of witnessing (Derrida, 1992), is a reserve for a police officer - and more

---

<sup>3</sup> For more on the etymology and the semantic relationship between witness and arbiter, especially in Ancient Greece and Rome, see Benveniste (2016: 395-404).

broadly sovereignty - to (re)enact violence through the narrating and reasoning of their actions that contributed or led to a death.

### **Critical criminological studies on inquests**

Specifically within countries under common law, and thus with an inquest system established, there is a lack of criminological research on inquests of deaths in state custody (Scott Bray, 2019). While there has been notable research in Canada and Australia on the deaths of Indigenous people (Razack, 2015; Whittaker, 2018), with coronial studies slowly emerging in Australia (Scott Bray et al., 2018; Trabsky, 2019), in contrast to the limited work in the UK,<sup>4</sup> broadly, “criminologists tend to overlook the coronial jurisdiction as a site of analysis” (Scott Bray, 2019: 172). In England and Wales, where current criminology has focused on inquests, particularly of deaths in state custody, it has tended to focus on news media coverage (Erfani-Ghettani, 2018; Gilmore and Tufail, 2015; Pemberton, 2008) rather than the Coroner’s Court and its performativity.

Notably in the 1980s, British critical criminology exposed how the state failed to monitor and prevent deaths in custody, and sanctioned the killing of political campaigners and people deemed enemies of the state, in particular working-class people (Scraton and Chadwick, 1986; Scraton and Chadwick, 1987; Ward, 1986; Warwick Inquest Group, 1985). ‘Critical work’ (the development of political-theoretical analysis for social justice causes) – was integral to *critical criminology*.<sup>5</sup> In response to deaths in state custody, British critical criminology in their research advocated for systematic data gathering, fairness in the inquest system, and safeguarding measures in state custody (Scraton and Chadwick, 1986).

For Scraton and Chadwick, the administration of Prime Minister Margaret Thatcher and the implementation of neoliberalism during the 70s and 80s established the UK as an authoritarian state (Fitzgerald et al., 1981; Scraton and Chadwick, 1986). In their analysis, Scraton and

---

<sup>4</sup> Exceptions being Baker but also Kirton-Darling (2022) *Death, Family and the Law: The Contemporary Inquest in Context*

<sup>5</sup> More could be said about this relation of *critical* to *criminology* within ‘critical criminology’. For a discussion on critical criminology’s lack of engagement with critical theory (e.g., Frankfurt School) for example, see Yar (2012) ‘Critical criminology, critical theory and social harm’.

Chadwick viewed the inquest system as an apparatus of this authoritarian state; a site of the institutionalisation of “images, assumptions and reputations of criminality and deviance” (Scruton and Chadwick, 1986: 94). The inquest allowed for the process of categorisation and marginalisation to proliferate into ‘official’ and media discourse. These “ideological constructions” of working-class people defamed and framed the dead as pathologically violent and already at risk, and “provide[d] for the basis for the political management of crime, ‘social problems’ and a whole range of social policy and criminal justice responses” (Scruton and Chadwick, 1986: 94). In his examination of how the tabloid press vilified dead leftist activists and poor people, Scruton provided critical commentary to the text of news articles and official discourse, in addition providing a counter-narrative, and supporting campaigns such as Justice for Hillsborough. Into his later and current work, Scruton continues to view the state as deflecting or denying responsibility for deaths in custody rather than attending to how the state redefines and reconstitutes the meaning and conduct of responsibility in regards to duty, authority, and decision-making. Following Cohen’s work on the “complex discourse of official denial” (1996: 521), Scruton suggests the “political imperative” to deny “creates a purposeful inhibition on disclosure, selection, examination and presentation of information as evidence” (2004: 64). Scruton (2002) regards the act of denial from the police as them exercising their professional discretion rather than considering their decision-making is processed through account-giving and within the model of the inquest proceedings. It is not merely the (State) narratives of deaths in police custody that this paper is interested in, but the productive and mediative processes that make these narratives. Within the register of facts, following an episteme of accountability, the model of the inquest and the mode of account-giving enact and iterate narratives, structured on the conditions of testimony and the archive; truth, fiction, and technology.

In some respects Pemberton follows Scruton’s approach in his studies of deaths in custody within the context of political formations: “the expanding ‘strong’ state and the relative shrinkage of the ‘social’ state” (2008: 240). The proliferation of punitive responses to social issues, leading to the increasing prison population, and police replacing social services in emergencies, particularly where mental health issues are related, has meant those who have died in police custody in recent years continue to be those who are marginalised, working-class and poor people, particularly Black people and people of colour. These deaths do not damage public support for the police nor

for ‘law and order’ policies, for the deceased are represented as criminals or vulnerable; violent, drug-users, physically or mentally ‘ill’. Through ‘state talk’, within news media, this discursive process ‘misrepresents’ and ‘dehumanises’ the deceased and replaces the police as the victim (Pemberton, 2008; Loader, 2020). The argument that the deceased was a threat to an officer’s life or to public safety is established in an inquest and replicated in media reports that sustain hegemonic support for authoritarian rule. Though Pemberton locates the source of these narratives to the inquest system, again, like Scraton, he does not focus on how these narratives are produced.

The narratives Baker (2016a) studies are more the verdicts - or rather the conclusions as they are now called - of the inquest, as reached by a jury. Baker considers the workings of the Coroner’s Court in relation to its connection with multi-agencies and regulatory bodies. According to his definition, accountability is a relational concept, (co-)constructed with(in) different institutions and organisations, each with conflicting aims and purposes. The value and principle of accountability is not exclusive to the police. Indeed, as Baker argues, “the construction of accountability does not occur in a systematic, centralised or planned manner. There is a wide variation in types, styles, content and format within the reporting systems used by both the coronial system and the IPCC [Independent Police Complaints Commission]” (2016a: 13);<sup>6</sup> including also other agencies, such as ambulance and health services. The main issue for Baker is that accountability is an ambiguous value and concept, constructed by multiple agencies and institutions, leading to conflict, compromise - and inertia.<sup>7</sup> He places the construction of accountability as occurring after a death in police custody or contact: “accountability [...] is constructed in the aftermath of the death” (2016a: 8). However, I contend that accountability conditions the legal forum that investigates the death. To put another way, accountability is present within and from out the death, for it comes to narrativise and categorise a death as ‘in police custody’. Thus, accountability is not so much a relational construction rather it is a productive epistemological programme. This is not to completely dismiss the claim that accountability is a relational construction but to argue that an epistemological framework is

---

<sup>6</sup> In January 2018 the Independent Police Complaints Commission (IPCC) was restructured and renamed as The Independent Office for Police Conduct (IOPC).

<sup>7</sup> For similar studies on accountability in regards to the police and democratic governance see Chan (1999) and Bourder (1999).



needed to support this construction. In the inquest process, this framework produces facts, a part of the metaphysical order of truth and fiction - not merely political symbolic values. For the symbolic order of truth and fiction undergirds political symbolic values, such as legitimacy, authority, and consent (Legendre, 1997).

### **The medium and mediation of accountability and accounting**

Accountability as a productive force provides the grounds, the site, the scene, for the making of subjecthood, belief systems, and events. It is important to (in)distinguish *accountability*, an epistemological production or programme, from *account-giving*, its performative mode.<sup>8</sup> As the *medium* for the fact-finding forum of the inquest, accountability structures the production of representations and evidence, with accounting as the *mediation* of facts, narratives, and references. Moreover, account-giving always accounts for itself; that is, in terms of its intermodality, it accounts on its *ability* to account (Butler, 2005).<sup>9</sup> There is a referentiality and citationality to accounting. Speaking to the future, an officer will refer to and cite from previously made accounts for the inquest. Thus a police officer, and by extension the Coroner's Court, reflect less on the happenings of a death and more on the *event of account-giving* for this death. To put another way, a death is put *in custody* following the inquest and the recording of its legal case-file (Vismann, 2008; van Oorschot, 2021).

The inseparability of accountability and account-giving is similar to the indistinguishability between testimony and the archive, as Derrida has explicated on. While testimony may engage in veracity or truth-telling it can never substitute the absolute truth. As Derrida contends, if and once testimony becomes evidence, proof, "a demonstrable theoretical truth [...] it risks losing its value, its sense or its status as testimony" (2005: 68). Although testimony to a certain extent

---

<sup>8</sup> I am using the term 'account-giving' rather than simply 'accounting', for in my conceptualisation of account-giving the exchange of giving and taking is emphasised, with its level of givenness in relation to the presence of a fact, and its possibility of mistakenness. Accounting on the other hand is closer to counting, of enumerating without necessarily providing explanation.

<sup>9</sup> In his argument that "the news media are best conceptualized as part of criminal justice" (1995: 135), based on the proposition that "[n]ews is a discourse of government accountability" (1995: 135), Ericson decouples accountability and urges us to be attentive to *account ability*: "the capacity to provide a record of activities that explains them in a credible manner so that they appear to satisfy the rights and obligations of accountability" (1995: 137). With my distinction of the *ability* to account - underscoring the feature of accounting for itself, for oneself - I am asserting not merely the social authority to account-give but the cognitive and psyche reflexivity to account-give, as Butler exposit (2005).

assists in establishing evidence, the act in itself is not *the* proof - instead it is an act of faith. This act of faith, that demands to be believed, makes a promise to the other, to the truth, or justice; “a promise always open to betrayal, always hanging on the possibility of a perjury, infidelity, or abjuration” (Derrida, 2005: 75). Thus, perjury is not antithetical to testimony but a crucial element and a possibility for testimony to be considered as the bearing of a witness. “[F]or any witness can make a mistake in good faith”, Derrida asserts, “[they] can have a limited, false perception [...] this finitude, which is just as irreducible and without which there would be no place for bearing witness” (2005: 78). This applies to the witness who is called to account. Their account is regarded as the recollection, a mnemonic record, provided that it is based on a belief - indeed, that it *provides* belief. Yet this belief can always be mistaken. In the inquest of Sean Rigg a former police officer maintained his mistakenness to restore the credibility of his account, reducing the ethical concerns of Rigg, a Black man, to the levels of cognition, perception, and memory.

### **The death and inquest of Sean Rigg**

On 21st August 2008, in the late afternoon, a mental health hostel in South London called the police in regards to one of their residents, Sean Rigg, a 40-year-old Black British man. It was not until later that evening that police arrived, in response to a call from a member of the public who reported an assault, allegedly committed by Rigg. Yet police charged and arrested Rigg for theft of a passport. The passport was in fact his own. They placed him in a police van, and took him to Brixton police station. Rigg was transferred to a cage area exterior to the custody foyer and remained restrained inside this cage for a prolonged period of time. Police officers did not remove his handcuffs until he collapsed. The officers attempted to give Rigg first aid treatment, with the custody’s force medical examiner (FME) notably absent. Rigg was taken to a hospital by an ambulance and was pronounced dead at 21:24 (Casale, 2013: 1). The inquest recorded the time of death as 20:24, when he was in the cage of the police station (Casale, 2013: 1).<sup>10</sup>

---

<sup>10</sup> Watch the documentary *Who Polices The Police?* dir. Ken Fero, 2012, Migrant Media <https://vimeo.com/46132509>

The first investigation into the death of Sean Rigg in 2008 was conducted by the then Independent Police Complaints Commission (IPCC) and completed in 2012. The conclusions of this investigation were put in doubt following an inquest later that year, when amongst other revelations, it transpired one of the police officers involved, the custody sergeant, PS Paul White gave false information. PS White had claimed he saw Rigg in the van upon his arrival however CCTV footage (recovered by Rigg's family) showed this did not happen. The inquest reached a narrative conclusion and, unlike the IPCC investigation, held that the police's restraint contributed to Rigg's death, among other factors. In 2013, an external independent review into the IPCC's investigation of Rigg's death, chaired by Dr Silvia Casale, sought to understand why and how the IPCC came to different conclusions than the inquest. One of the issues the Casale Review (2013) considered was why and how the IPCC investigation had missed vital information, including that of CCTV footage. PS White was charged for perjury and his trial was in 2016 which resulted in his acquittal.

To focus on the issue of the CCTV footage may seem marginal compared to the use of force Rigg received. However the matter - the materiality - of the CCTV footage was significant in that it related to PS White's assessment of Rigg and thus connected to his mental and physical health following use of force; in addition PS White's false information of his first sighting of Rigg would become the grounds of a criminal investigation with a perjury trial. It is revealing the issue that continued to be considered by the judiciary was not use of force but the CCTV footage, and the truth and lies connected to its knowledge.<sup>11</sup> Similarly, a perjury trial was held in 2017 following the 2015 inquest of Kingsley Burrell, another Black man, who died in 2011, leading to the acquittal of the officers. Although this paper only focuses on the inquest of Sean Rigg, his death was not in isolation from the countless number of Black people who have died in police custody (Institution for Race Relations, 1991; 2015). Prior to 2008, Ricky Bishop in 2001 and Wayne Douglas in 1995 died in Brixton police station. It is not my intention to suggest the inquest of Rigg - specifically with the PS White's account-giving as an example - is applicable

---

<sup>11</sup> Also related to this was the case of John Jeffrey, a full-time Police Federation Representative for officers of the Metropolitan Police Service, and his alleged involvement in the possible collusion between PC Harratt and PS White. Jeffrey was investigated by the IPCC, who he subsequently challenged with a judicial review. The judicial review heavily criticised the IPCC and its investigation process. See Thompson (2017) for a brief overview, and for the case itself: *Jeffrey, R (on the application of) v The Independent Police Complaints Commission [2017] EWHC 102 (Admin) (27 January 2017)*

and valid in all inquests of Black people killed in England and Wales police custody. However, I do contend the concepts and themes of truth and fiction, and the performative space between truth and fiction, is operative in the legal justifications of Black people killed by the state. This paper focuses on the inquest of Rigg because it reveals how integral the ambiguity of truth and fiction - memory and reality - is to the rationalisation and formalisation of a representation in which blackness is collapsed into death.

## **Methodology**

The focus of this paper is the accounts made and given by PS White at the 2012 inquest, held at London Inner South Coroner's Court. Thus, the material that I analysed was the Court transcript. However, instead of reading the transcript as a representation of the Court, following a deconstructive approach (Cunliffe, 2013), I read the transcript as a re-presentation of a 'death in custody'. The transcript (a legal technology) is not simply a record of the Court but a re-production of this legal forum; its evidence, arguments, and conclusions/judgements. Treating the transcript as part of the legal case-file making process (Vismann, 2008; van Oorschot, 2021; Suresh, 2022), I read the accounts less strictly as verbatim of the Court and more as citations of a text. In this way, I examined the transitions between different claims, the multiplicity of the voice, and the ambiguity of truth/fiction, as it was said and heard on the level of accountability. Attending to the materiality of the transcript, I sought to study the *technē* of transcription: the phonic 'conversion' of oral to written (Vismann, 2008). The transcript would come be in-/un-folded in/out itself (van Oorschot, 2021) through reference to past accounts in the inquest, other documents, and CCTV footage (Newburn and Hayman, 2002; Vatulescu, 2019). As the Court addressed to a certain extent the temporalities of PS White's speech, it was important that I focused on this re-productive aspect to his account-giving in order to assess the degree to which belief, mistakenness, and perjury mediated a *possibility* of seeing Rigg. Instead of trying to answer the question of what PS White lied about, and thus, determining the truth of Rigg's death, in what follows, I have attempted to address how lying functioned in the representation of Rigg's death as unforeseeable.

The Coroner's Court is an open court, accessible to the public, including transcripts after an inquest. The transcripts of Rigg's inquest are not available online but stored with the London Inner South Coroner's Court. The Coroner of Rigg's inquest, Dr. Andrew Harris, granted me access to the transcript upon my request. In what follows, the extraction from the transcripts is of the legal proceedings. To put it crudely, this paper recounts what PS White accounted to the court. Thus, the aim of this paper is to explore how PS White maintained the ambiguity of seeing Rigg in the van following professional duties and through the mode of account-giving.

## **Analysis**

On 21st August 2008 PS Paul White was then the custody sergeant for Brixton police station. Every suite requires a custody officer or custody sergeant (Police and Criminal Evidence Act [PACE] 1984, section 36). They have authority over detainees and are responsible for the detention and care of a prisoner, including the progress of the investigative process, and for the operations of the custody suite. To ensure tasks and activities are carried out, the custody officer or sergeant is also responsible in the delegation of certain roles to other officers. One of the key responsibilities of the custody officer or sergeant is the generation of the custody record for a prisoner and filling out the required information (College of Policing, 2021; PACE Code C, 2019).<sup>12</sup> The (computerised) record is meant to be accurate and maintained throughout the duration of the prisoner's detention. As PS White declared many a time at the inquest, a custody sergeant has a duty to report. According to PS White, this duty would come to supersede other duties, concerns, and thoughts during the death of Sean Rigg, following a procedural logic that a custody record can only be opened once a detainee (the arrested body) is presented before the custody desk.

A custody officer must carry out a custody report, that functions as a risk assessment, to ensure no risks or potential risks are posed with the detention of someone in custody. Yet, to simply assess is not enough for a risk assessment. A report must be made of the assessment, in order for this information to be passed onto other officers or agencies. PS White made a distinction

---

<sup>12</sup> For a socio-legal study of police custody in England and Wales, see Skynns (2011) *Police Custody Governance, Legitimacy and Reform in the Criminal Justice Process*.

between assessing, the act, and a risk assessment, the report. It would seem PS White suggested that he needed to assess whether or not a risk assessment could have taken place and made when Rigg arrived. This would be relevant to the issue of the CCTV footage because the conditions for a risk assessment apparently determined the bringing in of Rigg to the police station, according to PS White's account. At the inquest, PS White was first questioned by the Coroner. During the early stage of these sets of questions from the Coroner, PS White maintained that a custody sergeant is to carry out a (full) risk assessment when the detainee is presented before them at the custody desk. Anything preceding this cannot be said to be a risk assessment, no matter the level of assessment, so PS White suggested.

From the start of questioning at the inquest, PS White did not have strong conviction that he went to and saw Rigg in the van. This uncertainty of the extent to which he saw Rigg would carry throughout his account. The Coroner tried to follow PS White's account, to guide and lead him, and the court, to 'find' facts, and suggested to PS White, in the form of a question, "you went out to the van to see him there?" PS White replied, "I cannot remember - well, I think I went to the van and I think I looked into the van" (day 22, p. 22-23). Yet, PS White went on to claim he did go to the van, not for information for the custody record but to judge if Rigg was fit enough to be detained in a cell. When asked further by the Coroner in regards to the assessment of Rigg's needs, PS White agreed he did not assess whether Rigg was "fully conscious, only that he was looking at" him (day 22, p.31).

According to PS White, as Rigg had been supposedly violent, assumed from the information the officers told and warned him, he decided against attempting to assess Rigg's needs directly from him in the van, and instead relied further from what the officers told him; that Rigg was well enough to be brought in. Indeed, that Rigg was well enough by *virtue* of his violence. This anti-black logic (Barrett, 1999; Warren, 2018) – in which the violence of blackness is indicative of a sign of life, *and* a threat to life - would determine the lack of consideration for Rigg's well-being and mental health from PS White, and the other officers.

For PS White, the proper place for an assessment was the custody desk. In this sense, PS White was respecting his duty to record, that required such a duty to be carried out in front of the

sergeant, at his desk. The custody desk was the point (the station) of PS White's duty of care. Anything beyond this point, was out of his purview - his foresight and provision. This perspective explains why PS White claimed he was waiting for Rigg to be brought to him, yet did not seem alarmed at the time that he was lying on the floor, naked up from the waist up, his bare chest on the floor. It was following questions on PS White's decision not to provide clothing or a blanket to Rigg that the family counsel, Leslie Thomas QC, accused PS White of lying regarding seeing Rigg in the van. Below, the extract from the transcript picks up from after the recovered footage has been screened in the court.

THOMAS. Sergeant White, you will agree, will you not, that you never go to the van, do you?

A. Yes, sir.

Q. Sergeant White, you will agree that you never made any assessment, partial or otherwise, of Mr Rigg's condition when he was in the van for ten minutes or so, do you?

A. Sir, from memory, I thought I went to the van, and from memory I still think I spoke to the officers.

Q. Forgive me, I am looking at facts. I have just shown you the CCTV?

A. The CCTV quite clearly shows that I did not go to the back of the van.

Q. Yes. So it is quite clear from the CCTV that before Sean is brought into the custody suite, sorry the caged area of the custody area, you never speak to the officers at the van. That must be correct, that must be right, correct?

A. Sir, I had it in my mind that I did.

Q. Well, I hear what you say but I am putting to you the reality, and I am getting on record from you the reality. It is right is it not, that you never go to the van and speak to the officers? That is right, is it not?

A. I never go to the back of the van, sir.

Q. No. It is also correct that, despite the evidence that you gave this morning, that you never saw Sean Rigg in the van to be able to make any assessment of him?

A. Sir.

Q. It is also right, and it must follow as a matter of logic, that what you told the IPCC in interview, and I am reading, I do not take you to it, I just read it to you, it is page 12 where you say, I am reading from line five, I am just letting your counsel know. So: "At some point I stood up. I went out and I went out of the custody block into the yard and I looked into the van." That is not right. And then you go on to say: "I could see that the rear doors were open. I could see into the caged area of the van through the transparent glass." That is not right. "At the time I had eye contact with the prisoner and I was satisfied with fact that he was kept there." "Yeah." "My reasons, the second reason keeping him there, there were less items in the van, so if he did become violent again, or him to hurt himself with."

A. Sir, the *raison d'etre* for keeping him in the van still stands because if you expect somebody to be violent, there's less chances of him doing damage to himself or others. I accept that I was wrong and I thought I was not wrong that I went to the, about going to the van.

Q. But it is more than that, is it not, because what you told the jury this morning about, "Well, there are two reasons why I would want to go and speak to the officers and check on the prisoner. One, first, I need to make a risk assessment as to whether or not it would be safe to bring him into custody." That is the safety of others part of it. "And, secondly, I would need to go and satisfy for myself that the prisoner was all right." That is the welfare aspect of your risk assessment, that is the second stage. All of that, what you told the jury, just is not the truth, because it is not?

A. Yes, sir.

Q. And in fact, do you remember I was asking you earlier on, and I think you agreed with me, that you owed a duty of care to Sean Rigg, and you accepted that as your detainee, your prisoner, once he was in the police station yard. That is right, is it not?

A. Yes, sir.

Q. And as your prisoner, you were under a duty to, as soon as is practicable, make a risk assessment of him in your custody. You remember I asked you, "it would be a gross failing if a police officer/a custody officer did not go and form that initial impression of their prisoner." You said "Well, Mr Thomas, I did." I was asking you very clearly "But it would be a gross failure for a police officer/a custody officer not to go and form and do those initial checks." Well I put it to you, you grossly failed in your duty to Sean Rigg, didn't you?

A. No, sir. I accept I did not go to the back of the van and, therefore, I could not have looked through the back of the van and made a risk assessment of him there.

Q. You made no risk assessment of Sean Rigg then, did you? Help the jury, what is your explanation for not - in the ten minutes or so that Sean Rigg was in the back of the van, what is your explanation for not performing your basic duty towards this man in your custody? Tell us?

A. Sir, on that video it shows you that the first part I was dealing with a prisoner at the bench, or what I assume was a prisoner; I don't know whether that was booking them in or out. I then started to go and talk to people to get them out the way - you saw me move the trolley - then you saw, I think it is PC Vanderpujje move the trolley, because one would assume he was getting the food. I was talking to other people; I was trying to get people to move out the way and get things done.

Q. Forgive me. We actually see you walk down the corridor?

A. Yes, sir.

Q. What was stopping you from walking the additional 20 paces or so to the back of the van to satisfy yourself? What was stopping you from doing that?

A. Nothing, sir.

Q. So I ask the question again?

A. Sir, most of the risk assessments I had done at the front bench of the custody suite.

Q. You have told us, Sergeant White----

A. Yeah, I know, sir.

Q. Sergeant White, you have told us that in a situation where you have got a violent prisoner in the van, you go and satisfy yourself, but you didn't. What we know is, Sean Rigg was unwell and he died. This is your opportunity to explain to this jury what you were doing?

A. Sir, I didn't go to the back of the van, but Sean Rigg walked out of that van and then came into the cage. He was assessed by - or he was deemed as being heart beating and breathing in the back of the caged area.

Q. Sergeant White, how do you know he walked? You did not see him walk to the caged area?



A. I apologise, sir, from what I just saw there - but I did not see it at the time - but it showed him walking from the van.

Q. It showed him being carried?

BUCKETT: Well.

CORONER: Is that a question Mr Thomas?

THOMAS: I put to it you it showed him being carried?

A. Well, it doesn't look like that from my point of view, but I was not there.

Q. That is the reality, the reality is you were not there. The first you see of Sean Rigg is when Sean Rigg is collapsed on the floor?

A. I'll have to look at the video to tell you exactly what point I saw the man. (day 22, pp.98-104)

After viewing this CCTV footage, PS White agreed he never went to the van, however he maintained that he thought he did, based on his memory. Thomas QC asserted that he was showing the facts, but for PS White this did not change what he had in mind - of the mind - was the sight of Rigg in the van. Thomas QC acknowledged he heard what PS White had said in court, heard what he meant to say, the intentionality of what he said, however Thomas QC's aim was to get on the record the facts, the reality.

To get on the record (the transcription, a register of facticity) it was not enough to simply play the footage, but have PS White affirm what it showed and to confirm he was wrong. Yet this affirmation was mired by the undecidability of truth and fiction, on the level of memory. For the normative purpose of the record, speaking in terms of the evidence, PS White affirmed he did not go to the van. The implication of this was that it substantiated Thomas QC's claim PS White did not make a partial or initial assessment of Rigg (in the van). Yet, for PS White the fact that he did not go to the van did not change other facts. PS White maintained the *raison d'etre*, the rationale, remained and still stood, for keeping Rigg in the van. On one level this could be seen that PS White was avoiding the 'reality of the situation', but from the perspective of the conditionality for this claim, he reaffirmed his judgment at the time of the death, framing his response to the court in terms of risk management. That is, while PS White did not see and assess Rigg in the van, he was purportedly well enough to be brought in, for he was alive - not dead - at the time of his entrance. This fact seemed to have held, for PS White, more if not the same significance as what was shown on the camera.

PS White claimed Rigg walked out the van and into the cage, and this description was a matter of contention. Thomas QC asserted Rigg was carried, but PS White maintained that from his perspective, his point of view, from viewing the footage, Rigg had walked in. PS White attested he was not there, in the sense that he was not accompanying the officers, physically following them, as Rigg was brought in. PS White *took* the fact that he was wrong about seeing Rigg in the van to then maintain he was not present or not attentive to Rigg's entrance. With(in) the play of the footage, there is still uncertainty as to when PS White 'first' saw Rigg - whether or not it was when he collapsed to the floor. Having admitted, to a certain degree, the fallibility in his recollection, PS White deferred to the camera, with deference for this technological evidence. Subsequently, at the inquest, with the knowledge of what the CCTV had to show, PS White could not say without the footage. After this fact, he needed the footage if he was to speak on the exactitude of events.

Though PS White was shown a recording that 'proved' he was mistaken about seeing Rigg in the van and admitted that what he had said related to this was wrong, he nevertheless maintained that he still had it in mind that he thought he saw Rigg in the van. Put another way, he admitted he had been wrong, but would not allow himself to say he was wrong for (still) thinking (incorrectly) that he saw Rigg in the van. How did PS White admit he was wrong without accepting he had lied? How was it that PS White could have admitted he was wrong while also maintaining a memory of having seen Rigg in the van? My concern is not with the morals of this account - e.g. how could this have been possible? - but epistemological - e.g. what was the possibility that conditioned this account? I argue, and in the next section proceed to explain, that mistakenness, a strand of fiction, was the possibility that produced PS White's multiple accounts.

### **Discussion: Mistakenness, lying, and perjury**

In the inquest of Sean Rigg, PS White maintained a division between himself and the CCTV footage (witness and technology), in order to claim that what he saw was in his mind (interiority). After seeing the evidence, contrary to what he had originally thought and claimed, PS White admitted his mistake, however this was not simply a denial of the facts. This account was irreducible to the terms of affirmation or denial. Though he conceded what he said in

previous interviews and earlier in the inquest was wrong, he did not disavow the belief that had led him to think and state he saw Rigg in the van.

PS White's faithfulness to his mistaken memory enacted and narrated the conditions of account-giving. As an epistemological programme, accountability demands an answer and thus requires a witness, an observer, a party, to explain or describe an event. On this level, account-giving is similar to testimony for its performative attributes (McKernan, 2011). Though an account may align itself with a fact, an objective property, it is not identical to a proof. Account-giving is always a process of making, building, producing a fact, and in order for this mediation to be carried through it is essential that the possibility of a mistake or rather mistakenness is included and reserved.

As previously mentioned, according to Derrida, testimony is conditional on an undecidability between truth and fiction - an undecidability that cannot even be properly determined. As Derrida explains, "testimony always goes hand in hand with at least the *possibility* of fiction" (2000: 27). If the possibility of fiction was prohibited or excluded, testimony would then assume the status of "proof, information, certainty, or archive", and thus, "it would lose its function, as testimony" (2000: 29-30). Therefore, in order to maintain, attain, retain, its status as testimony, bearing witness (testifying) must "allow itself to be haunted" (2000: 30) - allow itself to be open fiction, to deceit, to mistakenness. As testimony is *heterogeneous* - open to and open for reproduction, repetition, replication - it is "always open to betrayal, perjury, infidelity" (2005: 75).

This applies to account-giving, though it is the value of wrongness or mistakenness that is a key feature. Within this perspective, in Rigg's inquest, PS White was faithful to the belief that he had been mistaken, thus seeking to exemplarise his good faith. Consequently, this led to a contamination not only of the video to his account (within the ex-change of evidence), but also of his account to the video, rendering its significance to be inter-related with PS White's memory. PS White could not deny the possibility of seeing Rigg, within the memory or belief he had held - a belief he could not stop holding. "I accept that I was wrong and I thought I was not wrong that I went to the, about going to the van" (day 22, p.101). Here the acceptance and the

utterance that he was wrong was dependent upon the thought that he was not wrong. That is, the acceptance of the said-wrong reserved for PS White the thought that he was (within the) *right* to say he had seen Rigg in the van. Thus, in this sense, PS White, according to his logic, did not make a mistake but was mistaken.

PS White maintained his faithfulness to the narrative he was unable to remember well. This purposely served to show he believed in himself; that he had to a certain degree 'self-belief'. However, his credibility was not merely predicated on his identity as a state agent, but on his claim that he had always genuinely held the belief he did see Rigg in the van. This *genuine belief*, in the imaginary and psyche of sovereignty, does not disappear with the evidence of its improbability or implausibility. The genuineness of this belief is so extant that it always remains even in the face of its disproof - that is, if belief can ever be dis/proved. Thus, even after the inquest established PS White did not - and could not - have seen Rigg in the van, to reaffirm its genuineness, White kept the possibility of his *belief* he saw Rigg in the van 'alive'. It was this belief that made his testimony his alone, a belief that no one else could have - as theirs alone - and a belief that only he could give. Yet, this belief does not exist in absolute singularity. Once a belief is made it opens itself to being transferred and transmitted, replicated and reproduced. If we find it hard to believe (in) White it is because this is precisely what his account aspires to be: an attestation to the difficulty in determining and deciding how and where belief comes to be.

## **Conclusion**

Departing from critical criminological studies of the Coroner's Court, that argue values such as truth, including social and criminal categories, are socially constructed, I have sought to investigate the *conditions* for the construction of a truth. The truth, or to be more precise, the fact that has been the concern of this paper is the evidence that PS White did not go to the van when Rigg arrived at Brixton station on the night of his death in 2008. My analysis of this particular event, as testified and accounted for by PS White, has not relied on the dichotomy of truth *or* fiction. Instead following a deconstructive approach, I have argued and explored the ambiguous space between truth *and* fiction, a space that opens and reserves for the inscription of anti-

blackness. One of the aims of this paper has been to distinguish accountability and account-giving, in order to assert that accountability is not merely a politically symbolic value but an epistemological programme for cognition, decision-making, and narrativisation. Accountability structures knowledge and belief, according to an episteme, an ethics, a procedure. For example, the structure of knowledge in an inquest is its design for fact-finding. In an inquest, in particular of a death in police custody, under a model of accountability, a police officer provides a fact through account-giving. That is to say, a police officer mediates a fact through a narrative. This narrative, like testimony - yet not identical - is conditioned on the *possibility* of fiction. To be more precise, account-giving is conditioned on the possibility of being mistaken. This is of significance for the inquests of Black people killed in police custody, for it is through account-giving that a representation of 'black death' (blackness-is-violence-is-death) is produced; explained, reasoned, and premised on the rationales of professional standards, principles, and procedures. The concept and the notion of the 'mistaken' (in contradistinction from 'mistake') is entangled with issues such as memory, judgment, and justice (Motha, 2016). When PS White invoked the 'mistaken', by maintaining the claim he had been wrong in his previous evidence, but not that he had lied, he was not simply denying a fact. Instead, he was being faithful to this previous word, voice, and self - how he had thought, how he had remembered. His experience and account rested on the belief he had seen Rigg in the van. Thus, what he provided and gave the Court, and to himself, was not merely a narrative that was to be shown fictional, but a memory, a belief. While PS White could not say how this belief was made, it nevertheless made him to believe he saw Rigg in the van. To put another way, PS White did not simply present a believable (e.g. plausible) story, but presented a belief, a position of interiority and decision-making. Moreover, as a belief, it could not be discredited or disproved, for it was immanent to memory, perception, and veracity; foreign to an objectivity. In my analysis of PS White's performance in Court, I have treated this 'mistaken' not as an excuse, a way out for him from being 'accountable' but a way in, into accountability, by exercising his interiority - one of the main features account-giving: its temporality, of writing and reading different selves. It is this programme that reduces the life-death of a Black person to matters of ethics, duty, and procedure, such as the administrative record. This paper has focused only on one case, and thus I do not mean to suggest the notion of the mistaken is used throughout many if not all inquests of

deaths in state custody.<sup>13</sup> However, in order to understand how coronial legal procedures and processes structures narratives that come to justify deaths in state custody, criminology would need to research and study the *production* of these narratives (Gibson, 1996). Especially in studies of racial violence, it is not enough to critique narratives and representation, on the level of stereotypes and racialisation, but to go further and expose the voice, the *logos*, that produce schemas, experiences, and events of racial subjugation and legal authority (Kalulé and Trafford, 2020; Lamb, forthcoming).

## References

- Angiolini E (2017) *Report of the Independent Review of Deaths and Serious Incidents in Police Custody*. London: Home Office.
- Authers B (2010) Truth in the telling: Procedure, testimony, and the work of improvisation in legal narrative. *Critical Studies in Improvisation/Études critiques en improvisation* 6(1): 1-6.
- Baker D (2016a) *Deaths After Police Contact*. London: Palgrave Macmillian.
- Baker D (2016b) Deaths after police contact in England and Wales: the effects of Article 2 of the European Convention on Human Rights on coronial practice. *International Journal of Law in Context* 12(2): 162-177.
- Barrett L (1999) *Blackness and value: Seeing double*. Cambridge: Cambridge University Press.
- Benveniste E (2016) *Dictionary of Indo-European Language and Society*. Chicago: The University of Chicago Press.

---

<sup>13</sup> Following a similar critical position to legal death investigations and inquiries as instruments for racial justice, see Tuitt (2019) 'Law, Justice and the Public Inquiry into the Grenfell Tower Fire'.

Boland R J and Schultze U (1996) Narrating accountability: cognition and the production of the accountable self. In: Munro R and Mouritsen J (eds) *Accountability: Power, ethos and the technologies of managing*. Andover: Cengage Learning EMEA, pp.62-81.

Butler J (2005) *Giving an account of oneself*. New York: Fordham University Press.

Brodeur J P (1999) Accountability: the search for a theoretical framework. In: Mendes E P, Zuckerberg J, Lecorre S, Gabriel A, Clark J (eds) *Democratic policing and accountability: Global perspectives*. Vermont: Ashgate, pp.125-164.

Carpenter B, Harris M, Jowett S, Tait G, Scott Bray R (2021) Coronial Inquests, Indigenous Suicide and the Colonial Narrative. *Critical Criminology* 29, pp. 527–545.

Casale S (2013) *Report of the independent external review of the IPCC investigation into the death of Sean Rigg*. Available at:

[https://webarchive.nationalarchives.gov.uk/ukgwa/20131004165058mp\\_/http://www.ipcc.gov.uk/sites/default/files/Documents/investigation\\_commissioner\\_reports/Review\\_Report\\_Sean\\_Rigg.PDF](https://webarchive.nationalarchives.gov.uk/ukgwa/20131004165058mp_/http://www.ipcc.gov.uk/sites/default/files/Documents/investigation_commissioner_reports/Review_Report_Sean_Rigg.PDF) (accessed 6 July 2022).

Chan J (1999) Governing police practice: limits of the new accountability. *British Journal of Sociology* 50(2): 251–270.

College of Policing (2021) *Detention and custody risk assessment*. Available at:

<https://www.college.police.uk/app/detention-and-custody/detention-and-custody-risk-assessment#:~:text=This%20responsibility%20continues%20until%20the,coming%20into%20the%20custody%20suite> (accessed 6 July 2022).

*Coroners and Justice Act 2009*. Available at:

<https://www.legislation.gov.uk/ukpga/2009/25/contents> (accessed 6 July 2022).

Cunliffe E (2013) Untold Stories or Miraculous Mirrors? The Possibilities of a Text-Based Understanding of Socio-Legal Transcript Research. *SSRN Electronic Journal*: 1-45. Available at: <http://dx.doi.org/10.2139/ssrn.2227069> (accessed 28 February 2022).

Derrida J (2000) *Demeure: Fiction and Testimony*. Stanford: Stanford University Press.

Derrida J (2005) Poetics and politics of witnessing. In: Pasanen O and Dutoit T (eds) *Sovereignities in Question: The Poetics of Paul Celan*. New York: Fordham University Press, pp.65-96.

Erfani-Ghettani R (2018) *Racism, the press and black deaths in police custody in the United Kingdom*. In: Bhatia M, Poynting S, and Tufail W (eds) *Media, Crime and Racism*. Cham: Palgrave Macmillan, pp.255-275.

Ericson R (1995) The News Media and Account Ability in Criminal Justice. In: Stenning P (ed) *Accountability for Criminal Justice: Selected Essays*. Toronto: University of Toronto Press, pp.251-270.

Ferreira da Silva, D (2017) Scene of Nature. In: Desautels-Stein J and Tomlins C (eds) *Searching for Contemporary Legal Thought*. Cambridge: Cambridge University Press, pp.275-289.

Fero K (2012) *Who Polices The Police?* Migrant Media. Available at: <https://vimeo.com/46132509> (accessed 6 July 2022).

Fenwick J (1984) *Accounting for Sudden Death A Sociological Study of the Coroner System*. PhD thesis. University of Hull.

Fitzgerald M, McLennan G, and Pawson J (1981) *Crime and society: readings in history and theory*. London: Routledge.



Foucault M (2019) Truth and Juridical Forms. In: Foucault M, Faubion J (ed) *Power*. London: Penguin Books, pp. 1-89.

Gibson A (1996) *Towards a postmodern theory of narrative*. Edinburgh: Edinburgh University Press.

Gilmore J and Tufail W (2015) Justice denied: Police accountability and the killing of Mark Duggan. In: Whyte D (ed) *How Corrupt is Britain?* London: Pluto Press, pp.94-102.

Hay T (2019) Foreclosing Accountability: The Limited Scope of the Seven Youth Inquest in Thunder Bay, Ontario. *Canadian Review of Social Policy / Revue canadienne de politique sociale*. 78: 1-24.

Independent Office for Police Conduct (2018) *Deaths during or following police contact annual report guidance*. Available at:

[https://www.policeconduct.gov.uk/sites/default/files/Documents/statistics/Guidance\\_IOPC\\_Annual\\_Death\\_Report.pdf](https://www.policeconduct.gov.uk/sites/default/files/Documents/statistics/Guidance_IOPC_Annual_Death_Report.pdf) (accessed 6 July 2022).

Independent Office for Police Conduct (2021) *Deaths during or following police contact: Statistics for England and Wales 2020/21*. Available at:

[https://policeconduct.gov.uk/sites/default/files/Documents/statistics/deaths\\_during\\_following\\_police\\_contact\\_202021.pdf](https://policeconduct.gov.uk/sites/default/files/Documents/statistics/deaths_during_following_police_contact_202021.pdf) (accessed 6 July 2022).

Institution for Race Relations (1991) *Deadly Silence: Black Deaths in Custody*. London: IRR.

Institution for Race Relations (2015) *Dying for Justice*. London: IRR.

Jeffrey, R v The Independent Police Complaints Commission [2017] EWHC 102. Available at:

<http://www.bailii.org/ew/cases/EWHC/Admin/2017/102.html> (accessed 6 July 2022).

Kalulé P and Trafford J (2020) Unforming Police: The Impossibility of abolition. *Critical Legal Thinking*. Available at: <https://criticallegalthinking.com/2020/12/01/unforming-police-the-impossibility-of-abolition/> (accessed 6 July 2022).

Kirton-Darling E (2022) *Death, Family and the Law: The Contemporary Inquest in Context*. Bristol: Bristol University Press.

Lamb M (forthcoming) *A Philosophical History of Police Power*. London: Bloomsbury.

Legendre P, Goodrich P (ed) (1997) *Law and the unconscious: a Legendre reader*. Basingstoke: Macmillan.

Loader I (2020) A question of sacrifice: The deep structure of deaths in police custody. *Social & Legal Studies* 29(3): 401-420.

PACE Code C (2019) Available at: <https://www.gov.uk/government/publications/pace-code-c-2019> (accessed 6 July 2022).

*Police and Criminal Evidence Act 1984*, Available at: <https://www.legislation.gov.uk/ukpga/1984/60/contents> (accessed 6 July 2022).

Pemberton S (2008) Demystifying deaths in police custody: Challenging state talk. *Social & Legal Studies* 17(2): 237-262.

Newburn T and Hayman S (2002) *Policing, Surveillance and Social Control: CCTV and Police Monitoring of Suspects*. London: Routledge.

McIntosh S (2016). Taken lives matter: open justice and recognition in inquests into deaths at the hands of the state. *International Journal of Law in Context* 12(2): 141-161.

McKernan J F (2011) Accountability as Aporia, Testimony, and Gift. *Critical Perspectives on Accounting* 23(3): 258-278

Motha S (2016) Mistaken judgments. In: Sarat A, Douglas L, and Umphrey M (eds) *Law's Mistakes*. Amherst: University of Massachusetts Press, pp. 18-43.

Motha S (2018) *Archiving Sovereignty: Law, History, Violence*. Ann Arbor: University of Michigan Press.

Razack S (2015) *Dying from improvement: Inquests and inquiries into Indigenous deaths in custody*. Toronto: University of Toronto Press.

Scott Bray, R (2010) Death Scene Jurisprudence: The Social Life of Coronial Facts. *Griffith Law Review* 19(3): 567-592.

Scott Bray R (2019) Death justice: Navigating contested death in the digital age. In: Jacobsen M H and Walklate S (eds) *Emotions and Crime: Towards a Criminology of Emotions*. Abingdon, Oxon: Routledge, pp:169-187.

Scott Bray R, Carpenter B, and Barnes, M (2018) Southern death investigation: Theorizing coronial work from the global South. In: Carrington K, Hogg R, Scott J, and Sozzo M (eds.) *The Palgrave Handbook of Criminology and the Global South*. Cham, Switzerland: Palgrave Macmillan, pp. 139-161.

Scruton P and Chadwick K (1986) Speaking Ill of the Dead: Institutional Responses to Deaths in Custody. *Journal of Law and Society* 13(1): 93-115.

Scruton P and Chadwick K (1987) *In the Arms of the Law: Coroners' Inquests and Deaths in Custody*. London: Pluto Press.

Scruton P (2002) Lost lives, hidden voices: 'Truth' and controversial deaths. *Race & Class* 44(1): 107-118.

Scruton P (2004) From deceit to disclosure: the politics of official inquiries in the United Kingdom. In: Gilligan G and Pratt J (eds) *Crime, Truth and Justice: Official inquiry, discourse, knowledge*. Cullompton, Devon: Willan Publishing, pp: 46-70.

Shaw J D M (2021) The Spatio-Legal Production of Bodies Through the Legal Fiction of Death. *Law Critique* 32(1): 69–90

Skinns L (2011) *Police Custody: Governance, Legitimacy and Reform in the Criminal Justice Process*. London: Routledge.

Skinner S (2019) *Lethal Force, the Right to Life and the ECHR: Narratives of Death and Democracy*. Oxford: Hart Publishing.

Suresh M (forthcoming, 2022) *Terror Trials: Life and Law in Delhi's Courts*. New York: Fordham University Press.

Thomas L, Straw A, Machover D, and Friedman, D (2014) *Inquests: A Practitioner's Guide*. 3rd Edition. London: Legal Action Group.

Thompson S (2017) *High Court underlines the importance of independence and speed in handling complaints*. Available at: <https://www.kingsleynapley.co.uk/insights/blogs/regulatory-blog/high-court-underlines-the-importance-of-independence-and-speed-in-handling-complaints> (accessed 6 July 2022).

Trabsky M (2019) *Law and the Dead: Technology, Relations and Institutions*. Abingdon, Oxon: Routledge.

Tuitt P (2019) Law, Justice and the Public Inquiry into the Grenfell Tower Fire. In: Bulley E, Edkins J and El-Enany N (eds) *After Grenfell: Violence, Resistance and Response*. London: Pluto Press, pp.119-129.

van Oorschot I (2021) *The Law Multiple: Judgment and knowledge in practice*. Cambridge: Cambridge University Press.

Vatulescu C (2019) Police Records: An Intermedia Genre. In: Stern S, Del Mar M, and Meyler B (eds) *The Oxford Handbook of Law and Humanities* Oxford: University of Oxford Press, pp. 799-820.

Vismann C (2008) *Files: law and media technology*. Stanford: Stanford University Press.

Ward T (1986) *Death and Disorder: Three case studies of police order and policing in London*. London: INQUEST.

Warwick Inquest Group (1985) The Inquest as a Theatre for Police Tragedy: The Davey Case. *Journal of Law and Society*, 12(1): 35-61.

Warren C (2018) *Ontological terror: Blackness, nihilism, and emancipation*. Durham: Duke University Press.

Whittaker A (2018) The unbearable witness, seeing: A case for indigenous methodologies in Australian soft law. *Pandora's Box*: 23–35.

Yar M (2012) Critical criminology, critical theory and social harm. In: Hall S and Winlowpp S (eds) *New directions in criminological theory* London: Routledge, pp.52-65.